

HB 1105 -- PLANNED COMMUNITIES

SPONSOR: Gatschenberger

This bill enacts laws governing planned communities. In its main provisions, the bill:

- (1) Requires the developer of a planned community, as the declarant, to:
 - (a) Prepare and record a declaration of covenants, conditions, and restrictions;
 - (b) Incorporate a Missouri nonprofit corporation with a board of directors or executive board as the association with jurisdiction over the planned community as designated in the declaration; and
 - (c) Convey title to the common areas to the association by warranty deed;
- (2) Specifies what information must be in a declaration created after January 1, 2015;
- (3) Specifies that the declaration may authorize a period of declarant control of the association. Transition of control of the board, unless otherwise provided in the declaration, must be phased in as detailed in the bill;
- (4) Specifies that the term of the declaration shall be for the duration of the planned community. If the planned community is vacated, title to the common areas must vest in the lot owners as tenants in common, with restrictions enumerated in the bill and in the declaration;
- (5) Specifies that an association board not under declarant control for a residential subdivision, project, development, or community created prior to August 28, 2014, may convert the association to a corporation under Chapter 355 RSMo upon written approval of a majority of the lot owners;
- (6) Requires the provisions of the bill apply to any residential subdivision, project, development, or community created prior to January 1, 2015, except for residential subdivisions, projects, developments, or communities still under declarant control;
- (7) Provides a procedure for amending a declaration when an amendment directly related to the safety of the planned community or to provide for the repair and maintenance of the common areas or improvements owned by the association does not receive the required

number of votes by petitioning the circuit court in any county that includes all or a portion of the planned community. The information required in the petition is specified;

(8) Specifies what types of amendments to the declaration require a unanimous vote of the lot owners to pass;

(9) Specifies when the board of the association or a declarant during a period of declarant control can amend the declaration or association bylaws without a vote by the lot owners; and

(10) Prohibits an action to challenge the validity of an amendment to the declaration brought more than one year after the amendment is recorded, except for an amendment ordered by the circuit court.